REMARKS

The Office Action mailed September 20, 2006 considered claims 1-13 and 15-47. Claims 1-13 and 15-47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US 6,662,312) hereinafter *Keller* on view of Laviolette et al. (US 6,779,134) hereinafter *Laviolette.*[1] By this paper, claims 2, 5-13 and 15 have been amended, claims 1, and 16-47 have been cancelled, and claims 48-55 have been added. Claims 2-13, 15, and 48-55 remain pending, of which claims 48 and 51 are the only independent claims.

The application is generally directed to a software testing system that tests software components on a variety of platforms and operating systems. Embodiments allow for software to be tested on a number of different test clients where testing is centrally controlled. This allows for testing to be accomplished quickly by utilizing the different test clients. Additionally, the central control helps to maximize resources by automatically assigning test jobs to idle clients. This is an improvement over the art cited in that the art cited shows that a user assigns jobs to test stations (see e.g. Keller at col. 3, lines 52-55). A user may not be able to efficiently manage resources as an automated system would.

In particular, each of the claims of the present application recite selecting a test package from a database, searching for test clients, where searching includes searching according to loading capacity and waiting for an idle client if no idle clients are available, and automatically assigning the test job to an idle client. Claim 48 is directed to a system with various components for performing these acts, while claim 51 is directed to a method including the recited acts.

Each of the independent claims recites, for example, waiting for an idle test client and automatically assigning test jobs to an idle test client. The art cited does not illustrate these limitations. Rather, the art cited in the office action shows that a *user* can assign a job to a test station that is free to execute or can schedule a job on a test station to for a given time and date. The time can be pre-empted by other tests. See *Laviolette* at col. 3, lines 50-58. Thus, a test is assigned to a test station by a user and not automatically.. Further, the job is not assigned as a result of waiting for an idle test station, but rather either simply to a free to execute test station

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.
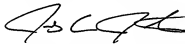
(without waiting) or by scheduling a test on a certain time and date. The art, however, does not show what is recited by the claims. Namely, the art does not show waiting for an idle test client and automatically assigning test jobs to an idle test client.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of November, 2006.

Respectfully submitted,

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